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Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 2811

PATENT  
ATTORNEY DOCKET NO.: 040894-5755

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Goro NAKATANI et al. ) Confirmation No.: 4701  
Application No.: 10/043,276 ) Group Art Unit: 2811  
Filed: January 14, 2003 ) Examiner: Junghwa M. Im  
For: SEMICONDUCTOR DEVICE AND )  
METHOD FOR MANUFACTURING )  
THE SAME )

Commissioner for Patents  
**Customer Window, Mail Stop AF**  
Alexandria, VA 22314

Sir:

**AMENDMENT UNDER 37 C.F.R. § 1.116**  
**TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment further to the Final Office Action dated March 11, 2005 and the Notice of Appeal filed September 9, 2005.

1.131 Declaration of Goro NAKATANI  
 1.131 Declaration of Tatsuya SAKAMOTO  
 Exhibit for Declaration (Verification of Translation for Letter of Jan. 5, 2001 and attachment thereto)  
 Verification of a Translation for JP Application No. 2001-6581  
 Information Disclosure Statement  
 Form PTO-1449, 1 reference included  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

[ ] Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

[X] Applicants petition for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$120.00.

[ ] An extension for \_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

[X] **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	11	Minus	20	0	x \$50.00 each=	+ \$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	3	Minus	3	0	x \$200.00 each=	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$
						<b>SUB-TOTAL = \$0.00</b>
						<b>Reduction by 1/2 for filing by a small entity- \$</b>
						<b>TOTAL FEE = \$0.00</b>

6. Fee Payment

[ ] No fee is to be paid at this time.

[X] The Commissioner is hereby authorized to charge \$120.00 for the one-month extension of time fee to Deposit Account No. 50-0310.

[X] The Commissioner is hereby authorized to charge any additional fees including fees due under 37 CFR §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 

Robert J. Goodell  
Reg. No. 41,040

Dated: November 17, 2005

CUSTOMER NO.: 009629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: 202-739-3000

Facsimile: 202-739-3001